



**FOLEY
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ATTORNEYS AT LAW

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.

MAILED 3/15 A 11:43

March 16, 2005

William McGeveran
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By Hand

Ms. Sarah A. Thornton
Clerk of Court
U.S. District Court for the District of Massachusetts
John Joseph Moakley Courthouse
One Courthouse Way
Boston, MA 02210

Re: *Rosenberg v. Ascent Technology, Inc.* No. 04-12220

Dear Ms. Thornton:

I represent defendant Ascent Technology, Inc. in the above-captioned litigation. I write to inquire about the delay in transfer of this action to the Northern District of Texas in accordance with a Transfer Order of the Judicial Panel on Multidistrict Litigation ("MDL Panel").

As you will see from the enclosed documents, in October 2004, the MDL Panel ordered related litigation consolidated in the Northern District of Texas, and counsel for plaintiff designated this case as a "tag-along action" under the MDL Panel's procedures. As I understand it, the present case also should be transferred from the District of Massachusetts to the Northern District of Texas as a result. Judge Gorton entered an order adopting a stipulation of the parties in December 2004, staying any responsive pleading to await the transfer. Nothing has occurred since.

I do not know the reasons for this delay, but I would be grateful if you would inquire into it so that this case can be transferred promptly. Please let me know if I can provide any further information to assist you.

Sincerely yours,


William McGeveran

WM/sa

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Enclosures

cc: Mark Barrette, Docket Clerk, Hon. Nathaniel Gorton
Michael J. Beck, Clerk, MDL Panel
Michael M. Buchman w/enclos.
Nancy Freeman Gans w/enclos.
Jack G. Fruchter w/enclos.
John Shope, Esq. w/o enclos.

3/16/05 A 1743

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